

THE CITY OF LONDON LAW SOCIETY INSOLVENCY LAW COMMITTEE
MINUTES FOR THE MEETING AT DAC BEACHCROFT, 25 WALBROOK, LONDON EC4N
8AF AND BY VIDEO CONFERENCE CALL
ON THURSDAY 19 JANUARY 2023 AT 8.30am

In attendance:

Catherine Balmond
Katharina Crinson
Joe Bannister
James Maltby
Ian Benjamin
Inga West
Olga Garazoula
Kevin Hart
Peter Wiltshire
David Ereira

By Teams:

Gabrielle Ruiz
Ian Fox
Emma Simmonds
Jamie Leader
Jo Windsor
James Stonebridge
Dominic McChill
Tim Symes
Adrian Cohen
Ben Larkin
Kevin Pullen
Helen Coverdale

Apologies

Jennifer Marshall
Simon Thomas


1 Opening of meeting by Chair, Catherine Balmond

It was noted that new CLLS arbitration and ESG committees are being established and that details had been circulated to the Committee.

2 Minutes of the meeting held on 17 November 2022:

The Committee noted and approved the draft minutes of the previous meeting held on 17 November 2022.

3 Current consultations/proposals

Terms of reference	Working party	Comments/Update
<p>A. <u>Consultation on the Hague Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (Hague 2019) - GOV.UK (www.gov.uk)</u></p>	<p>N/A</p>	<p>The Committee considered whether to respond to the consultation (the deadline of which is 9 February 2023) in the light of the insolvency carve-out.</p> <p>Gabrielle Ruiz noted that the CLLS Litigation committee have been consulted on whether they will be responding.</p> <p>The Committee concluded that it would not submit a response.</p>
<p>B. Law Commission: Digital Assets, Consultation Paper and Consultation Paper Summary (28 July 2022)</p> <p>https://www.lawcom.gov.uk/project/digital-assets/</p>	<p>Simon Thomas and Jo Windsor joined the CLLS Financial Law Committee working group</p>	<p>Response submitted on 3 November 2022</p> <p> CLLS Insolvency Committee response 1</p>
<p>C. UNCITRAL Model Law Consultation</p> <p><u>Implementation of two UNCITRAL Model Laws on Insolvency - GOV.UK (www.gov.uk)</u></p>		<p>Response submitted 28 September 2022. The Chair noted that Jennifer Marshall has received an update from the Insolvency Service following the Committee's submission to this consultation. The Committee is to be invited to a meeting to discuss its response.</p> <p>CLLS-Response-to-UNCITRAL-Model-Laws-of-Insolvency-Consultation-28-09-22.pdf (citysolicitors.org.uk)</p>

4 Recent cases

The Committee noted the following cases:

- Re Hong Kong Airlines [2022] EWHC 3210 (Ch)
- Comet (Re CGL Realisations Ltd) [2022] EWHC 2873 (Ch)
- ABT Auto Investments Ltd v Aapico [2022] EWHC 2839 (Comm)
- Stanford International Bank v HSBC [2022] UKSC 34
- Candey Ltd v Crumpler (Re Peak Hotels and Resorts Ltd) [2022] UKSC 35
- Re Bulb Energy [2022] EWHC 3105 (Ch)
- Croxen v Gas and Electricity Markets Authority [2022] EWHC 2826 (Ch)
- The Good Box Labs Co Ltd (unreported)

5 Any other business

The Committee discussed typical time frames in relation to referrals under the National Security and Investment Act and the time periods.

6 Next meeting

The next meeting will be held at 8.30am on 16 March 2023 due to be hosted by Ben Klinger, Simons Muirhead Burton LLP.

7 Close